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December 18, 2013

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Via Electronic Filing/ECF

The Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
for the Eastern District of New York
Long Island Courthouse
100 Federal Plaza
P.O. Box 9014
Central Islip, NY 11722-9014

Re: Harte v. Ocwen Financial Corporation and Ocwen Loan Servicing, LLC,
Civil Action No. 2:13-cv-5410-LDW-AKT (E.D.N.Y.)

Dear Magistrate Judge Tomlinson:

K&L Gates LLP represents Defendants Ocwen Loan Servicing, LLC (“OLS”) and Ocwen Financial Corporation (“Ocwen Financial”) (collectively “Defendants”) in the above-captioned matter.

Pursuant to the Court’s Civil Conference Minute Order dated November 13, 2013 (Dkt. No. 22), counsel for Defendants and counsel for Plaintiff Deborah C. Harte (“Plaintiff”) have conferred regarding the collection and production of electronically stored information (“ESI”).

The parties agree that reasonably accessible ESI, to the extent relevant, will be produced by CD/DVD in .tiff or .pdf format pursuant to any properly-served, non-objectionable request for production. To the extent ESI is not reasonably accessible, the parties agree to follow the guidelines set forth in Fed. R. Civ. P. 26(b)(2)(B). The parties’ initial positions regarding ESI, including but not limited to potentially relevant ESI in the possession, custody, or control of the parties, and the preservation of ESI, are further detailed in the Joint [Proposed] Case Management Scheduling Order and Discovery Plan that was filed with the Court on November 7, 2013 (Dkt. No. 21).

Counsel for Plaintiff have indicated their agreement by executing this letter agreement in the signature block below.

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Thank you for your attention to this matter, and please do not hesitate to contact me if you have any questions.

Very truly yours,

/s/ Brian M. Forbes

Brian M Forbes

AGREED TO BY COUNSEL FOR PLAINTIFF:

/s/ James G. Flynn (w/permission)

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cc: Counsel of Record (via ECF)